

## **MINUTES**

### **ALCOHOL AND TOBACCO COMMISSION**

**SEPTEMBER 17, 2002  
(Approved October 1, 2002)**

#### **CALL TO ORDER/NOTING OF QUORUM**

Chairperson DePrez called the meeting to order and noted the quorum and the attendance. Present were Vice Chairperson Glass, Commissioner Davis and Commissioner Marks. Also in attendance were Superintendent Davis, Executive Secretary Steiner and Industry Liaison Okey.

Jim Purucker and Pam Ferguson of WSWI, John Barnett, Ronna Chappell of ILBA, Lisa Goldner of Bose McKinney and Evans, Deb Scott of IABR and Jeff McKean were present as observers.

#### **COMMUNICATIONS FROM THE FLOOR**

There were no Communications From the Floor.

#### **DISPOSITION OF MINUTES**

Commissioner Marks moved to approve the minutes that were submitted for the September 3, 2002 meeting. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

#### **HEARING JUDGE'S RECOMMENDATIONS**

Vice Chairperson Glass moved to approve the PAD forms that were submitted for the September 17, 2002 meeting. Motion seconded by Commissioner Davis and it was unanimously approved.

#### **APPEAL OF HEARING JUDGE'S RECOMMENDATIONS**

There were no Appeals of Hearing Judge's Recommendations.

#### **CONSIDERATION OF APPLICATIONS**

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Marks and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

Five hundred thirty-eight (538) renewals approved, sixty-six (66) new and/or transfer permits approved, twenty-one (21) permits conditionally approved, eight (8) permits approved for first year escrow and two (2) permits approved for second year escrow.

### **RENEWAL LETTERS AND WAIVER OF FEES**

Commissioner Marks moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

### **APPLICATIONS FOR DISCUSSION**

RR45-19741 AND RR45-19742 BUDDY & PAL'S, INC. – Vice Chairperson Glass noted this is a new type 103 permit application and a new type 210-1 permit application with the local board voting three (3) to zero (0) to disapprove.

Vice Chairperson Glass moved to uphold the local board's recommendation to deny the new permits. Motion seconded by Commissioner Davis and it was unanimously approved.

RC83-05164 ONE HALF CENTURY CLUB, INC. – Vice Chairperson Glass noted this is a type 211-1 renewal application with the local board voting three (3) to one (1) to approve.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the renewal. Motion seconded by Commissioner Marks and it was unanimously approved.

DL28-19854 WAL-MART STORES EAST, LP – Vice Chairperson Glass noted this is a new type 115 application with the local board voting three (3) to one (1) to approve.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the new permit. Motion seconded by Commissioner Davis and it was unanimously approved.

SS49-15903 LVC COPORATION – Vice Chairperson Glass noted this is a new Sunday sales application with the local board voting two (2) to one (1) to disapprove.

Vice Chairperson Glass moved to uphold the local board's recommendation to deny the new permit. Motion seconded by Commissioner Marks and it was unanimously approved.

RR18-10780 NIGHTSHIFT OF MUNCIE, INC. – Vice Chairperson Glass noted this is a type 210 transfer of ownership and location application with the local board voting three (3) to zero (0) to disapprove.

Vice Chairperson Glass moved to uphold the local board's recommendation to deny the transfers. Motion seconded by Commissioner Davis and it was unanimously approved.

RR70-96231 PARIS O. CROSS, JR. – Vice Chairperson Glass noted this is a type 106 renewal application with the local board voting four (4) to zero (0) to approve.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the renewal. Motion seconded by Commissioner Marks and it was unanimously approved.

RR75-19864 RAY GUTIERREZ – Vice Chairperson Glass noted this is a new type 112 application with the local board voting three (3) to zero (0) to approve.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the new permit. Motion seconded by Commissioner Davis and it was unanimously approved.

RR39-20012 AND RR39-20013 KC FOODS, INC. – Vice Chairperson Glass noted the applicant is requesting permission to apply for a type 103 permit and a type 210-1 permit simultaneously.

Vice Chairperson Glass moved to approve this request. Motion seconded by Commissioner Marks and it was unanimously approved.

### **INACTIVE FILES**

Commissioner Marks moved to make forty-one (41) permits inactive. Thirty-three permits are not subject to auction. Eight permits are subject to auction. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

RR45-11485 GREEK ISLAND RESTAURANT – Commissioner Marks moved to reactivate this permit. Permittee did not receive notice that permit was going to be made inactive. Motion seconded by Commissioner Davis and it was unanimously approved.

## **APPEALS FROM LOCAL BOARD RECOMMENDATIONS**

RR18-10780 NIGHTSHIFT OF MUNCIE, INC., RR45-19741 BUDDY & PAL'S, INC.  
– Appeals will be assigned to a hearing officer.

### **OLD BUSINESS**

There was no Old Business.

### **NEW BUSINESS**

KAPPA KAPPA KAPPA, INC. EVENING OF ELEGANCE STYLE SHOW AND DINNER – Kappa Kappa Kappa, Inc. is requesting permission to serve donated alcoholic beverages at their Evening of Elegance Style Show and Dinner.

CAMP WHITLEY CHARITY WINE TASTING – Camp Whitley would like to hold a wine tasting with donated wine.

19<sup>TH</sup> ANNUAL COCA-COLA CIRCLE CITY CLASSIC – Circle City Classic is requesting permission to serve donated alcoholic beverages at their annual Gala.

DECORATOR IDEA HOUSE WINE TASTING – Soroptimist International would like to sponsor a wine tasting in conjunction with a Decorator Idea House event.

CASA OF KOSCIUSKI COUNTY WINE TASTING – CASA of Kosciusko County is requesting permission to conduct a wine tasting fundraiser.

ANNUAL TASTE OF AUTUMN FUNDRAISER – The School City of Hobart Educational Foundation is requesting permission to serve donated alcoholic beverages at their Annual Taste of Autumn Fundraiser.

ST. SIMON ROYAL EXTRAVAGANZA FUNDRAISER – Olinger is requesting permission to donate alcoholic beverages for the St. Simon Royal Extravaganza fundraiser.

ST. FRANCIS HEALTHCARE FOUNDATION'S CHRYSANTHEMUM BALL – St. Francis Healthcare Foundation is requesting permission to serve donated alcoholic beverages at their Chrysanthemum Ball.

CYSTIC FIBROSIS FESTIV-ALE BEER TASTING – The Cystic Fibrosis Foundation is requesting permission to hold a beer tasting.

LEUKEMIA & LYMPHOMA SOCIETY ANNUAL DIAMOND BALL – The Leukemia & Lymphoma Society is requesting permission to serve donated alcoholic beverages at their Annual Diamond Ball.

IABR BEER, WINE AND SPIRITS INDUSTRY TRADE SHOW – Indiana Association of Beverage Retailers is requesting permission to hold their annual Trade Show.

OAK HILL MANSION AMBASSADOR EVENT – Oak Hill Mansion is requesting permission to served donated alcoholic beverages at their fundraising event.

Commissioner Davis moved to approve these requests. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

### **POLICY DETERMINATIONS**

NON-RULE POLICIES - Chairperson DePrez stated that the Commission is still reviewing the current Non-Rule Policies. Any written comments from the industry should be directed to the Chairperson and then they will be shared with the other members of the Commission.

Grant Monahan asked if there was a deadline for industry comments to be submitted. Chairperson DePrez stated the comments are due on September 30, 2002.

### **UNDER ADVISEMENT**

There was nothing Under Adviseement.

### **ANNOUNCEMENTS**

There were no Announcements.

### **ADJOURNMENT**

Vice Chairperson Glass moved to adjourn the meeting. Motion seconded by Commissioner Davis and it was unanimously approved.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

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MARY DEPREZ, CHAIRPERSON

BARBARA L. GLASS, VICE CHAIRPERSON

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JAMES DAVIS, COMMISSIONER

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GIGI M. MARKS, COMMISSIONER